

1 THE HONORABLE BARBARA J. ROTHSTEIN
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 PATRICK G. GARLOCK and LARENE M.
11 GARLOCK, husband and wife; and
12 MICHAEL H. JENNINGS, JR. and NANCY
13 A. JENNINGS, husband and wife,

Plaintiffs,

14 vs.

15 OPTIMISCORP, a Delaware corporation,

Defendant.

16 Case No. 3:22-cv-05108-BJR
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**STIPULATION AND ORDER
GRANTING REVISED CASE
SCHEDULE**

STIPULATION

The parties in the above-captioned action, through their undersigned counsel, hereby STIPULATE and AGREE as follows:

Whereas, in its June 6, 2023, Order Granting Motion to Amend, allowing Plaintiffs to amend their complaint for declaratory relief to seek additional relief regarding an indemnity agreement between the parties, the Court instructed “the parties to present a revised scheduling order (including a fixed date for mediation)” by June 21, 2023 (Dkt. 52) if the “amendment requires adjustment of the previously scheduled case management dates”;

Whereas, on May 26, 2023, the parties engaged in a private mediation, but no settlement was achieved. If the Court concludes that this mediation was insufficient to meet the mediation requirement contemplated in the Court's June 6, 2023, Order, the parties included a deadline to complete mediation as directed; and

Whereas, the parties have met and conferred, agreed that the amendment requires adjustment of the previously scheduled case management dates, and have reached an agreement on a proposed revised case schedule.

Therefore, the parties hereby STIPULATE and AGREE that the Court enter an order to modify the case schedule in accordance with the below:

EVENT	DATE
<p>Deadline to complete discovery <i>only as to the newly added declaratory judgment relief sought regarding the Indemnity Agreement, any related counterclaims that may be asserted, and any defenses thereto.</i> The prior April 14, 2023, fact discovery cut-off still applies to the claims as they existed in the complaint and counterclaims on file as of April 14, 2023.</p>	October 6, 2023
<p>Deadline for any party to file a dispositive motion <i>only as to the newly added declaratory judgment relief sought regarding the Indemnity Agreement, any related counterclaims, or any defenses thereto.</i>¹</p>	October 20, 2023

¹ The briefing on the parties' dispositive motions on the claims and counterclaims that existed in complaint and/or answer on file the case prior to the amendment on June 6, 2023, is completed. If the Court is inclined to do so, the parties are not opposed to the Court ruling on the issues presented as to those claims prior to the completion of dispositive motion briefing concerning the indemnity agreement claim.

EVENT	DATE
Deadline for any party to oppose a dispositive motion <i>only as to the newly added declaratory judgment relief sought regarding the Indemnity Agreement, any related counterclaims, or any defenses thereto.</i>	November 10, 2023
Deadline for any party to file a reply in support of their dispositive motion <i>only as to the newly added declaratory judgment relief sought regarding the Indemnity Agreement, any related counterclaims, or any defenses thereto.</i>	December 1, 2023
Deadline to complete mediation.	December 31, 2023 OR N/A if mediation requirement is deemed satisfied
Deadline to file motions in limine	February 16, 2024
Joint pretrial statement due	February 26, 2024
Pretrial conference	March 11, 2023
Bench trial (4 days)	March 25, 2024

The parties hereby request the Court memorialize these deadlines by entering the proposed order accompanying this stipulation.

DATED this 21st day of June, 2023.

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Attorneys for Defendant OptimisCorp

ORDER

The Court hereby ORDERS that the following case schedule be entered:

EVENT	DATE
Deadline to complete discovery <i>only as to the newly added declaratory judgment relief sought regarding the Indemnity Agreement or any related counterclaims.</i> The prior April 14, 2023, fact discovery cut-off still applies to the claims as they existed in the complaint and counterclaims on file as of April 14, 2023.	October 6, 2023
Deadline for any party to file a dispositive motion <i>only as to the newly added declaratory judgment relief sought regarding the Indemnity Agreement, any related counterclaims, or any defenses thereto.</i>	October 20, 2023
Deadline for any party to oppose a dispositive motion <i>only as to the newly added declaratory judgment relief sought regarding the Indemnity Agreement, any related counterclaims, or any defenses thereto.</i>	November 10, 2023
Deadline for any party to file a reply in support of their dispositive motion <i>only as to the newly added declaratory judgment relief sought regarding the Indemnity Agreement, any related counterclaims, or any defenses thereto.</i>	December 1, 2023
Deadline to complete mediation	December 31, 2023
Deadline to file motions in limine	February 16, 2024
Joint pretrial statement due	February 26, 2024
Pretrial conference	March 11, 2024
Bench trial (4 days)	March 25, 2024

SO ORDERED.

DATED this 26th day of June, 2023.

Barbara Jacobs Rothstein
Barbara Jacobs Rothstein
U.S. District Court Judge

**STIPULATION AND ORDER GRANTING REVISED
CASE SCHEDULE - 4
(Case No. 3:22-cv-05108-BJR)**

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